



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

JOHN J. POTENZA)

Docket No. SE001)

Serial No. 09/832,622)

Filed: April 11, 2001)

For: AUTOMATED SURVEY AND)
REPORT SYSTEM)

GROUP ART UNIT: 3629

Examiner: DEAN T. NGUYEN

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

I, TODD F. SEIPLE, hereby state as follows:

1. I have a Bachelor of Arts degree, Chemistry from Bucknell University; a Master of Science, Chemistry, and a Master of Business Administration, Dual Major: Finance/Marketing, from the University of Tennessee;

2. I am currently Executive Vice President of Qualistics, Inc., a company dedicated to providing web-hosted software solutions that empower companies to create customer loyalty through the surveys of customer acceptance of products and service. Qualistics' systems collect, analyze, and integrate customer satisfaction data from multiple channels, determine the best corrective actions, and continuously monitor the results. Clients use the system to retain customers and create long-lasting customer loyalty.

3. My recent work history includes a total of 8 years in the development of computer based management tools, including the creation of web-based business software to improve IT support functions for various nationwide product vendors including project design and data analysis support. I managed a program which developed and implemented computer based strategic business initiatives, set operational and sales performance targets for inbound sales channels, created capital and expense budgets to support revenue production, and managed the IT system design for operational and financial reporting capabilities for BellSouth. I developed computer based profit and loss reports for 18 Small Business profit centers, providing a level of management detail that was previously unavailable. I was responsible for managing staffing requirements and routing call flows for 18 call centers throughout BellSouth's nine-state region. I was site leader for the regional implementation and testing of a new automatic call distributor and force management system, creating and implementing standardized regional reports for call center metrics. I implemented new call-routing methodologies that improved customer care and increased operational efficiencies.

4. I have reviewed U. S. Patent No. 6,5195,72 to Riordan. Riordan discloses a method and system for collecting and processing marketing data relating to the identification, quantity and price of items purchased. The system of Riordan comprises a point-of-sales computer whereby the amount of sale is transmitted to a credit authorization system for authorization of the sale. Detailed data pertaining to the items or services purchased are included with the amount of sale, and all transmitted data is stored for later retrieval and analysis. Product information transmitted to the system of Riordan is completely performed from the point-of-sales computer. Data is inputted by the product/service provider, the primary purpose being approval of the purchasers credit. The only product information transferred in Riordan is the type, cost and quantity of goods purchased. The purchaser in Riordan does not communicate with an evaluation processor. Any communication with the evaluation processor is made directly by the product/service provider. It would not be obvious to one of ordinary skill in the art that:

- a. the purchaser would contact the evaluation processor of Riordan;
- b. the purchaser would provide transaction information to the evaluation processor;
- c. the system of Riordan would produce a correlated data file, or that
- d. outside market research firms would be used to input product information to the system of Riordan.

5. I have reviewed U.S. Patent No. 6,026,387 to Kesel. Kesel discloses a system for the receipt of oral comments from a customer/user. In Kesel, the service provider is the retail store. The system is located in the facility of the service provider and the customer/user may submit various comments to the menu-driven system. The customer does not enter any information regarding the service provider since the system is on site. The customer does not enter any unique transaction identifier. The system only assigns a date/time identifier. Oral comments are analyzed on the basis of selected descriptors and reports are generated on correlated subjects, including employees. Kesel does not disclose a system capable of receiving evaluation data from customers from more than one service provider. Kesel does not disclose a system whereby the service provider provides a unique transaction record to the analyzer/evaluation processor. Kesel does not disclose a system whereby the service provider provides to the analyzer/evaluation processor a unique identifier of the employee. Kesel does not disclose a system whereby the service provider provides to the analyzer/evaluation processor a unique transaction record.

6. I have reviewed U. S. Patent No. 6,189,029 B1 to Fuerst. Fuerst discloses a method of creating surveys scripts using web-based tools. Fuerst discloses the assignment of identification numbers to a survey to restrict access of unauthorized parties to the survey scripts. Fuerst discloses placing the survey scripts on a website for polling by selected groups of people. Fuerst discloses means of broadcasting to the selected group the availability of the survey on the website. Fuerst discloses the automatic tabulation of survey results corresponding to user response. Fuerst also teaches that such data can be manipulated using other analytical tools or computer interfaces. Fuerst does not disclose any method by which the people that respond to the survey would be identified. Fuerst does not disclose

that the identification of any responding person would be either desired or beneficial. It would not be obvious to a person of ordinary skill in the art that Fuerst could be adapted to:

- a. provide a means for the persons surveyed to be identified;
- b. provide a means for an identified employee of the service provider be evaluated;
- c. provide evaluation data that is more accurate than survey methods of the prior art; or
- d. provide evaluation data that is less misleading than survey methods of the prior art.

7. One of ordinary skill in the art in reading Riordan and Kesel would not believe there was any basis for combining the two references. They are directed to different purposes. Riordan is directed toward a method of the product/service provider obtaining credit approval from a financial institution, the evaluation processor. Kesel is directed to a method for a customer providing oral comments to a product/service provider. The system of Riordan collects empirical data from the provider about product types and purchase costs whereas the system of Kesel collects opinion data. The data of Riordan is collected for the purpose of doing demographic analysis. It would not be obvious to combine the teachings of Riordan and Kesel since one of ordinary skill in the art would know that:

- a. the transaction data in Riordan is transmitted by the product/service provider to the evaluation processor;
- b. the customer in Riordan does not communicate with the evaluation processor;
- c. there is no teaching in Riordan that the consumer has any reason to contact the evaluation processor;
- d. the contacting of the evaluation processor by the consumer in Riordan is neither beneficial nor desired; and
- e. the customer in Kesel does not provide product identification data to the evaluation processor.

8. One of ordinary skill in the art in reading Riordan and Fuerst would not see any basis for combining the two references. They are directed to different purposes. Riordan is directed toward a method of the product/service provider obtaining credit approval from a evaluation processor and transmitting purchased product information to the evaluation processor. Fuerst is directed toward a method for creating surveys on a website. One of ordinary skill in the art would know that:

- a. Fuerst is directed toward the provision of a number of separate surveys, each of such surveys having an ID number;
- b. Fuerst discloses broadcasting the availability of the survey to random participants, who voluntarily access the website;
- c. the system of Riordan collects product information directly from the product/service provider, and thus there is no need in Riordan for the survey system of Fuerst; and
- d. there is no beneficial reason to combine credit approval purpose of Riordan with the survey creation system of Fuerst.

The declarer has nothing further to add.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent issued thereon, declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Date of Signature: December 7, 2004

By: Todd Seiple
Todd F. Seiple